

10/619,148

P-6028U1-1-1-1-C1

REMARKS

Reconsideration of the present application and entry of the amendment are respectfully requested. Claims 1 to 36 are currently pending, and no claims have been amended.

The Final Office Action mailed September 30, 2004 addressed claims 1 to 36. Claims 1 to 36 were rejected.

Claims 1 to 36 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 47, 1 to 48, 1 to 47 and 26 to 47 of U.S. Patent Nos. 6,612,941, 6,431,999, 6,616,551 and 6,458,047, respectively. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the present invention is obvious over the patents because the property ranges overlap the claimed properties of the present invention.

Applicants respectfully submit that a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490, was filed on June 3, 2004 in the response to the office action of March 25, 2004. For reasons unknown to Applicants, the Terminal Disclaimer was not scanned as part of the Image File Wrapper, and therefore, the Examiner was unable to consider it. The Image File Wrapper only shows fifteen pages submitted (pages 10, 11, 12, 13 and 18 are missing), although the page numbering shows twenty total (i.e., 1/20, 2/20, etc., as evidenced on the scanned pages as well as the facsimile confirmation). Attached is a copy of the previously submitted Terminal Disclaimer, along with a copy of the facsimile confirmation showing that twenty pages were received on June 3, 2004. The separate authorization to record the Assignment was previously submitted with the Amendment filed June 3, 2004. Applicants respectfully submit that this overcomes the rejection.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

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CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 36. Applicants respectfully request allowance of claims 1 to 36, the claims currently pending.

Respectfully submitted,

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